



1 complexity of the issues involved. (*Id.*) The court explained that Plaintiff had failed to address whether  
2 he was likely to succeed on the merits and similarly failed to explain the complexity of his claims and  
3 why he was unable to articulate them. (*Id.*) Finding that Plaintiff's claims for retaliation, deliberate  
4 indifference to a serious medical and deliberate indifference to a serious threat to his safety under the  
5 Eighth Amendment were neither complex nor unduly complicated and when coupled with the fact that  
6 Plaintiff appeared to be able to sufficiently articulate his claims, the court concluded that Plaintiff could  
7 adequately represent himself. (*Id.*)

8 Plaintiff has presented no additional information in his request for reconsideration that would  
9 serve to change the outcome of the court's determination on this subject. Plaintiff still fails to address  
10 whether he has a likelihood of success on the merits, and has not shown an inability to articulate his  
11 claims. Accordingly, Plaintiff's request for reconsideration is denied.

#### 12 Retaliation

13 The court will now turn to Plaintiff's request that NDOC stop retaliating against him. In his  
14 motion, Plaintiff asserts that a correctional officer has put his life in danger by trying to get him to police  
15 the tier; that correctional officers are retaliating against him for filing grievances and for making legal  
16 phone calls; attempting to force him back to general population; and refusing to send him his Kosher  
17 diet. (Doc. # 37.)

18 While it is not entirely clear, it appears that Plaintiff seeks a temporary restraining order or  
19 injunction; however, a request for such relief must be accompanied by a showing of: (1) a likelihood of  
20 success on the merits; (2) a likelihood of suffering irreparable harm in the absence of preliminary relief;  
21 (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest.  
22 *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008) (citations omitted). Plaintiff  
23 has not addressed each of these factors. Therefore, Plaintiff's motion, insofar as it requests injunctive  
24 relief, is denied without prejudice.

25 In addition, Plaintiff seems to seek relief that is unrelated to his claims in this action. If Plaintiff  
26 seeks to renew his request for injunctive relief with a showing of the factors set forth in *Winter*, Plaintiff  
27 must also demonstrate "[a] relationship between the injury claimed in the party's motion and the conduct  
28 asserted in the complaint." *See Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994); *accord Little v.*

1 *Jones*, 607 F.3d 1245, 1250-51 (10th Cir. 2010); *Colvin v. Caruso*, 605 F.3d 282, 299-300 (6th Cir.  
2 2010); *Omega World Travel, Inc. v. Trans World Airlines*, 111 F.3d 14, 16 (4th Cir. 1997). Injunctive  
3 relief is used to address issues related to the underlying violations presented in the complaint. Plaintiff  
4 is not permitted to file a complaint in federal court and then use that action as a forum to air his unrelated  
5 grievances. Such complaints are properly lodged using the prison grievance system and, if they remain  
6 unresolved, by filing a new action.

7 In sum, Plaintiff's motion (Doc. # 37) is **DENIED** as set forth above.

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9 **IT IS SO ORDERED.**

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11 DATED: June 26, 2013

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WILLIAM G. COBB  
15 UNITED STATES MAGISTRATE JUDGE  
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